

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARTIN SANTIAGO,

Plaintiff,

-against-

9:11-cv-0635 (LEK/TWD)

PATRICK M. JOHNSTON, Physician
Assistant, Upstate Correctional Facility;
and NANCY SMITH, Nurse Administrator,
Upstate Correctional Facility,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on November 16, 2015, by the Honorable Thérèse Wiley Dancks, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 98 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. *Barnes v. Prack*, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); *Farid v. Bouey*, 554 F. Supp. 2d 301, 306-07 & 306 n.2 (N.D.N.Y. 2008); see also *Machicote v. Ercole*, No. 06 Civ. 13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by

simply relitigating a prior argument.”). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b).

No objections were filed in the allotted time period. See Docket.¹ Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 98) is **APPROVED and ADOPTED in its entirety**; and it is further

ORDERED, that Plaintiff’s Motion (Dkt. No. 81) for summary judgment is **DENIED**; and it is further

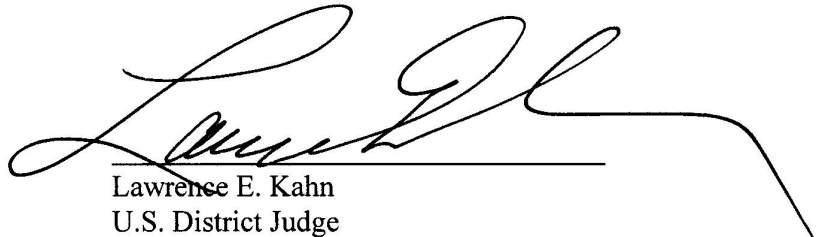
ORDERED, that Defendants’ Cross-Motion (Dkt. No. 82) for summary judgment is **GRANTED**; and it is further

ORDERED, that Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: January 19, 2016
Albany, NY


Lawrence E. Kahn
U.S. District Judge

¹ On November 30, 2015, Plaintiff filed a Letter Motion requesting an extension of time in which to file objections. Dkt. No. 99. The Court granted Plaintiff an extension to December 21, 2015. Dkt. No. 100. Plaintiff failed to file objections within the time period allotted to him by the extension.